

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS	)	
	)	
Petition for a Certificate of Public Convenience and	)	
Necessity, pursuant to Section 8-406.1 of the Illinois	)	
Public Utilities Act, and an Order pursuant to Section 8-	)	Docket No. 12-0598
503 of the Public Utilities Act, to Construct, Operate and	)	
Maintain a New High Voltage Electric Service Line and	)	
Related Facilities in the Counties of Adams, Brown,	)	
Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton,	)	
Macon, Montgomery, Morgan, Moultrie, Pike,	)	
Sangamon, Schuyler, Scott and Shelby, Illinois.	)	

**RESPONSE OF RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS  
TO ATXI'S MOTION TO STRIKE ITS NOTICE OF SUPPORT FOR THE  
ALTERNATE ROUTES PROPOSED BY STOP THE POWER LINES COALITION**

Intervenor, RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS ("RCECCC"), by one of its attorneys and co-counsel, William F. Moran, III, requests that the ALJ's assigned to this matter enter an order denying the Motion to Strike Notice of Support by Rural Clark and Edgar County Concerned Citizens for the Alternate Routes Proposed by Stop the Power Lines Coalition filed in this cause by Petitioner, AMEREN TRANSMISSION COMPANY OF ILLINOIS ("ATXI"). In support, RCECCC states as follows:

1. On May 3, 2013, RCECCC filed its Notice of Support by Rural Clark and Edgar County Concerned Citizens for the Alternative Routes Proposed by Stop the Power Lines Coalition ("Notice"). The basic premise of the notice was to alert the parties to this proceeding of RCECCC's support of the Alternate Routes running through Clark and Edgar Counties previously proposed on a timely basis by Stop the Power Lines Coalition ("STPL"). The main reason the members of RCECCC support these alternate routes is that the same initially proceed due east from the Kansas Substation towards the Indiana State Line, following preexisting power transmission lines. In explanation of their support for these routes, the members of RCECCC

cited to a portion of the testimony of George Orin timely filed in this cause on March 27, 2013. RCECCC readily admitted in the Notice that this testimony had previously been stricken by the ALJ's, as an untimely proposal of alternate routes, but instead suggested, "[T]he testimony of Mr. Orin is not offered for the purpose of proposing an alternate route, but merely to demonstrate the 'support' the members of RCECCC have for STPL's alternate routes."

2. In its motion to strike, ATXI does not argue that a pleading supporting the timely filed alternate routes of another party is improper; but instead argues that the Notice should be stricken merely because it includes Mr. Orin's previously stricken testimony. ATXI cites to absolutely no rule, regulation, custom and practice, authority or other precedent which indicates that it is improper for a notice of support in an ICC transmission line proceeding to include testimony or any other content for that matter. There are a myriad of different places in the law where testimony inadmissible for one purpose is admissible for another, the classic example being hearsay and its exceptions. In this instance, both ATXI and the ALJ's have suggested that it is in fact appropriate for one party to support the alternate routes proposed by another. Therefore, there is no lawful basis upon which to strike the Notice filed by RCECCC.

3. In relation to the process for supporting another party's proposed alternate routes, ATXI, in its Reply in Support of Its Motion to Strike Certain Intervenor's Untimely Alternate Route Proposal, filed in this cause on April 22, 2013, stated, "Stop the Power Lines Coalition's routes were proposed in accordance with the timing set forth in the Case Management Plan, and if RCECCC wishes to support them, they may do so in accordance with the Case Management Plan." Further, in their order entered on April 24, 2013, the ALJ's held, "[A]ny party may endorse another's properly offered route without seeking leave to do so." In this case, the

members of RCECCC were simply following these suggestions to show their support for STPL's alternate routes.

4. If one party can "endorse" another party's proposed alternate routes, it only makes sense that the supporting party be allowed to explain their reasons on the record. This premise is supported by a reference to the ICC's rules, which provide, "The principal goal of the hearing process is to assemble a complete factual record to serve as basis for a correct and legally sustainable record." 83 Ill.Adm.Code §200.25(a). This goal cannot be achieved if a party's indicia of support is limited solely to "a wink or a nod" towards the suggested alternatives, without more of an explanation why the other party's routes are preferable. The provision of testimony in this regard is a logical manner in which to "assemble a complete factual record," and does not appear to run afoul of any specific rule of practice related to this proceeding. This testimony is not suggestive of entirely new routes, which at this time would violate the ALJ's case management plan; but rather, is testimony in support of existing alternate routes, which the ALJ's have directed can be filed without leave. As a result, the members of RCECCC would suggest that the contents of their Notice are in no manner violative of the directions or deadlines established by the ALJ's.

5. ATXI certainly cannot argue that it is surprised by the reasoning proffered by Mr. Orin in support of STPL's alternate routes, as the same has been on file since March 27, 2013. While the positions taken by Mr. Orin and RCECCC may ultimately be prejudicial to the stipulated agreement ATXI has made with STPL, and others, the record is clear that the alternate routes through Clark and Edgar Counties proposed by STPL have not been withdrawn, and remain viable alternatives for the ICC to consider. As such, it is important that the support of the

members of RCECCC for these routes remain on the face of this record, despite the protestations of ATXI to the contrary.<sup>1</sup>

WHEREFORE, Intervenor, RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS, would request that the ALJ's assigned to this matter enter an order denying the Motion to Strike Notice of Support by Rural Clark and Edgar County Concerned Citizens for the Alternate Routes Proposed by Stop the Power Lines Coalition filed in this cause by Petitioner, AMEREN TRANSMISSION COMPANY OF ILLINOIS, and for any and all further relief which is just and equitable on this record.

Respectfully submitted,

RCECCC, Intervenor

By: /s/William F. Moran, III  
One of its attorneys

**CO-COUNSEL FOR INTERVENOR:**

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<sup>1</sup> Even if the ICC finds that the inclusion of testimony in a notice of support is improper, the members of RCECCC would request that their support for the alternate routes suggested by STPL continue to be noted of record, or that they be granted leave to amend the notice into a non-objectionable form.

**CERTIFICATE OF SERVICE**

I, William F. Moran, III, Co-Counsel for Intervener, hereby certify that on May 7, 2013, I caused a copy of the foregoing **RESPONSE OF RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS TO ATXI'S MOTION TO STRIKE ITS NOTICE OF SUPPORT FOR THE ALTERNATIVE ROUTES PROPOSED BY STOP THE POWER LINES COALITION** to be served by electronic mail to the individuals on the Commission's Service List for Docket No. 12-0598.

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/s/ William F. Moran, III  
Co-Counsel for Intervener

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